

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Stipulated Surrender
of License by:

Case No. 2012-216

DEBRA JEAN FINNERTY

Registered Nurse License No. 519487

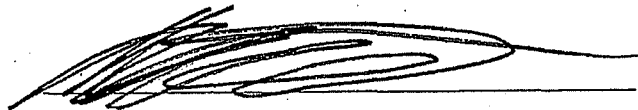
Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 27, 2012.

IT IS SO ORDERED this June 27, 2012.



Erin Niemela
Temporary Chair
Board of Registered Nursing
Department of Consumer Affairs
State of California

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of Stipulated Surrender of
12 License by:

13 **DEBRA JEAN FINNERTY**
14 **P.O. Box 557**
Keno, OR 97627
15 **Registered Nurse License No. 519487**

16 Respondent.

Case No. 2012-216

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
21 Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Susana A.
23 Gonzales, Deputy Attorney General.

24 2. Debra Jean Finnerty (Respondent) is representing herself in this proceeding and has
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about February 20, 1996, the Board of Registered Nursing issued Registered
27 Nurse License No. 519487 to Debra Jean Finnerty (Respondent). The Registered Nurse License
28 expired on November 30, 2007, and has not been renewed.

JURISDICTION

4. This matter is brought before the Board pursuant to Business and Professions Code (Code) section 2751, which states:

“(a) Notwithstanding any other law, the board may, in its discretion, accept the surrender of a license through a stipulated agreement in the absence of a pleading when the ability of a registered nurse to practice nursing safely is impaired due to mental or physical illness.

“(b) This alternative proceeding shall apply only to cases that would otherwise have been processed pursuant to Section 820.¹

“(c) Until the time that the licensee signs the stipulated agreement for license surrender, he or she may elect to have the disciplinary process conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

“(d) The stipulated agreement in this alternative proceeding shall specify that:

“(1) The license surrender shall be public information and shall be considered a disciplinary action.

“(2) The licensee may petition the board for reinstatement after a period of not less than one year after the effective date of the decision.

“(3) Any reinstatement proceeding shall be conducted pursuant to Section 2760.1.

“(4) Upon seeking reinstatement, it is the responsibility of the former licensee to submit competent evidence of the ability to safely and competently practice as a registered nurse.”

¹ Code section 820 authorizes licensing agencies to order examination of a licensee by agency-designated physicians or psychologists “[w]hen it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licensee’s ability to practice is impaired due to mental illness, or physical illness affecting competency. . . The report of the examiners shall be made available to the licensee and may be received as direct evidence in proceedings conducted pursuant to Section 822.” Code section 821 states that “[t]he licensee’s failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licensee’s certificate or license.”

1 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
2 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
3 to render a decision imposing discipline on the license.

4 ADVISEMENT AND WAIVERS

5 6. Respondent has carefully read and understands this Stipulated Surrender of License
6 and Order and its effects on her registered nurse license.

7 7. Respondent is fully aware of her legal rights in this matter, including the right to be
8 represented by counsel at her own expense; the right to elect formal administrative adjudication
9 of this matter following the Board's filing of a pleading; and all the other rights accorded by the
10 California Administrative Procedure Act pursuant to Chapter 5 (commencing with Section 11500)
11 of Part 1 of Division 3 of Title 2 of the Government Code.

12 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
13 every right set forth above.

14 CULPABILITY

15 9. Respondent stipulates pursuant to Code section 2751 that her ability to safely practice
16 nursing is impaired due to mental or physical illness. As a result, she is unable to practice nursing
17 and she voluntarily surrendered her Oregon Registered Nurse License in January 2008.
18 Respondent allowed her California Registered Nurse License to expire in 2007.

19 10. Respondent hereby surrenders Registered Nurse License No. 519487 for the Board's
20 formal acceptance.

21 11. Respondent understands that by signing this stipulation she enables the Board to issue
22 an order accepting the surrender of her Registered Nurse License without further process.

23 CONTINGENCY

24 12. This stipulation shall be subject to approval by the Board of Registered Nursing.
25 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
26 Registered Nursing may communicate directly with the Board regarding this stipulation and
27 surrender, without notice to or participation by Respondent. By signing the stipulation,
28 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind

1 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
2 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be
3 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
4 between the parties, and the Board shall not be disqualified from further action by having
5 considered this matter.

6 13. The parties understand and agree that facsimile copies of this Stipulated Surrender of
7 License and Order, including facsimile signatures thereto, shall have the same force and effect as
8 the originals.

9 14. This Stipulated Surrender of License and Order is intended by the parties to be an
10 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
11 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
12 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
13 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
14 executed by an authorized representative of each of the parties.

15 15. In consideration of the foregoing admissions and stipulations, the parties agree that
16 the Board may, without further notice or formal proceeding, issue and enter the following Order:

17 **ORDER**

18 IT IS HEREBY ORDERED that Registered Nurse License No. 519487, issued to
19 Respondent Debra Jean Finnerty, is surrendered and accepted by the Board of Registered
20 Nursing.

21 1. The surrender of Respondent's Registered Nurse License and the acceptance of the
22 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
23 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
24 license history with the Board.

25 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
26 of the effective date of the Board's Decision and Order.

27 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
28 issued, her wall certificate on or before the effective date of the Decision and Order.

1 4. If Respondent ever files an application for licensure or a petition for reinstatement in
2 the State of California, the Board shall treat it as a petition for reinstatement. Any reinstatement
3 proceeding shall be conducted pursuant to Business and Professions Code section 2760.1.
4 Respondent must comply with all the laws, regulations and procedures for reinstatement of a
5 revoked license in effect at the time the petition is filed, and all of the admissions and stipulations
6 contained in this Stipulated Surrender of License and Disciplinary Order shall be deemed to be
7 true, correct and admitted by Respondent when the Board determines whether to grant or deny the
8 petition. Upon seeking reinstatement, it is the responsibility of the former licensee to submit
9 competent evidence of her ability to safely and competently practice as a registered nurse.

10 5. Respondent shall not apply for licensure or petition for reinstatement for one (1) year
11 from the effective date of the Board of Registered Nursing's Decision and Order.

12 ACCEPTANCE

13 I have carefully read the Stipulated Surrender of License and Order. I understand the
14 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
15 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
16 by the Decision and Order of the Board of Registered Nursing.

17
18 DATED: _____

11/5/11

18 Debra Jean Finnerty
19 DEBRA JEAN FINNERTY
20 Respondent
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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 11/9/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



DIANN SOKOLOFF
Supervising Deputy Attorney General
Attorneys for Complainant

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